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Attorneys for Defendants
Federal Insurance Company and
Chubb National Insurance Company

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CALITEX, LLC;

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
CHUBB INSURANCE COMPANY,
and DOES 1 to 100, inclusive,

Defendants.

Case No.

**NOTICE OF REMOVAL OF
CIVIL ACTION**

**[Originally Los Angeles County
Superior Court Case No.
22STCV08280]**

[28 U.S.C. §1441(b) (Diversity)]

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441(b), *et seq.*,
defendants Federal Insurance Company (“Federal”) and Chubb National Insurance
Company (erroneously sued as Chubb Insurance Company) (“Chubb”) hereby remove

1 to this Court the state court action originally filed as Case No. 22STCV08280 in the
2 Superior Court of California, County of Los Angeles.

3 **BACKGROUND**

4 1. On March 8, 2022, plaintiff Calitex, LLC (“Calitex”), filed the complaint
5 in the action entitled *Calitex, LLC v. Federal Insurance Company, et al.*, Superior
6 Court of California, County of Los Angeles, Case No. 22STCV08280 (the “State
7 Court Action”). Declaration of Christopher J. Lee (“Lee Decl.”), ¶3, Exhibit A,
8 Complaint.

9 2. The State Court Action was served on Chubb National Insurance
10 Company via CT Corporation System, on March 18, 2022. Lee Decl., ¶5, Exhibit C.

11 4. On April 14, 2022, Federal and Chubb timely filed an answer to the
12 complaint in the Superior Court. Lee Decl., ¶6, Exhibit D.

13 **TIMELINESS OF REMOVAL**

14 5. This Notice of Removal is timely because it is filed within thirty days of
15 the date the Summons and Complaint was served. 28 U.S.C. §1446(b).

16 **GROUND FOR REMOVAL**

17 6. This Court has original jurisdiction over this action pursuant to 28 U.S.C.
18 § 1332(a) because there is complete diversity between plaintiff, on the one hand, and
19 Chubb on the other hand, and the amount in controversy exceeds \$75,000, exclusive
20 of interest and costs. 28 U.S.C. §§1332(a), 1441(a) *et seq.*

21 **DIVERSITY OF CITIZENSHIP**

22 7. Diversity of citizenship exists when a suit is between citizens of different
23 states. 28 U.S.C. §1332(a). Complete diversity of citizenship exists because Calitex
24 on the one hand, and Federal and Chubb on the other hand, are citizens of different
25 states.

26 8. A limited liability company is a citizen of every state of which its
27 members are citizens. *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894,
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899 (9th Cir. 2006). Calitex is, and at the time of filing of this action was, a limited liability company formed under the laws of California, with its principal office located in Beverly Hills, California. Lee Decl., ¶7; Ex. A, Complaint, ¶1; Exhibit E, Statement of Information. The sole member of Calitex is Elias Shokrian, a resident and citizen of California. Lee Decl., ¶7. Calitex has no other members. *Id.* Plaintiff is therefore a citizen of California.

9. A corporation is a citizen of the state in which it is incorporated and the state of its principal place of business. 28 U.S.C. §1332(c)(1). A corporation’s “principal place of business” refers to “the place where a corporation’s officers direct, control, and coordinate the corporation’s activities.” *Hertz Corp. v. Friend*, 559 U.S. 77, 92–93 (2010). Federal Insurance Company is, and at the time of filing of this action was, a corporation incorporated under the laws of Indiana with its principal place of business in New Jersey. Lee Decl., ¶8, Exhibit F, Business Information. Federal Insurance Company is therefore a citizen of Indiana and New Jersey. Chubb National Insurance Company is, and at the time of filing of this action was, a corporation incorporated under the laws of Indiana with its principal place of business in New Jersey. Lee Decl., ¶9, Exhibit G, Business Information. Chubb National Insurance Company is therefore a citizen of Indiana and New Jersey.

10. As Calitex is a citizen of California, and Federal and Chubb are citizens of Indiana and New Jersey, complete diversity of citizenship exists.

AMOUNT IN CONTROVERSY

11. In the State Court Action complaint, Calitex alleges that Federal’s and Chubb’s actions “forced [Calitex] to pay the sum of \$225,000.00 out of pocket” to settle a separate lawsuit. Lee Decl., Ex. A, Complaint, ¶10.

12. On that basis, Calitex claims to have been have suffered damages “of at least \$225,000.00.” Lee Decl., Ex. A, Complaint, ¶12.

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CLYDE & CO US LLP

By: /s/ *Alexander E. Potente*

Alexander E. Potente

Christopher J. Lee

Attorneys for Defendants FEDERAL

INSURANCE COMPANY and CHUBB

NATIONAL INSURANCE COMPANY

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 150 California Street, Suite 1500, San Francisco, CA 94111.

On April 15, 2022, I served true copies of the following document(s) described as **Notice of Removal of Civil Action** on the interested parties in this action as follows:

Neil C. Evans, Esq.
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Attorneys for Plaintiff
CALITEX, LLC

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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Clyde & Co US LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at San Francisco. (C.C.P. § 1013 (a)).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 15, 2022, at San Francisco, California.


Andrea Mackenzie